

DALE BERNARD BEARD, JR. v.
DANIEL E. SMITH, et al.

BERNARD DALE BEARD, JR.
August 29, 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG

* * * * *

DALE BERNARD BEARD, JR.,
Plaintiff,

v. CIVIL ACTION NO. 3:23-CV-193
Honorable Gina Groh

DANIEL E. SMITH, Individually, and
ADAM ALBAUGH, Individually,
Defendants.

* * * * *

Deposition of BERNARD DALE BEARD, JR., the
Plaintiff herein, taken on behalf of the Defendants,
in the above-entitled action, pursuant to Notice,
before Sheryl L. Gasparik, Registered Professional
Reporter, and Notary Public within and for the State
of West Virginia, held at the law firm of Pullin,
Fowler, Flanagan, Brown & Poe, PLLC, 261 Aikens Center,
Suite 301, Martinsburg, West Virginia 25404, on the
29th day of August, 2024, commencing at 10:12 a.m.

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Exhibit B

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1 A. Yeah.

2 Q. Okay. Are you making a claim associated with
3 that anxiety?

4 A. No.

5 Q. The reason I say that is because it indicated
6 that you are no longer taking the Klonopin.

7 A. I am not anymore. Yeah, I am not --
8 technically, I am not allowed to anymore anyway.

9 Q. Why is that?

10 A. Just because of other medications. It's just
11 so I -- just to be safe, we -- we decided not to do
12 that.

13 Q. Okay. Do you have any idea what -- well,
14 again, like I said, based on the -- you have indicated
15 in your responses that you are not claiming medical
16 treatment, but then you have this in here. I guess
17 my thought process is, is are you making a claim for
18 the medical treatment associated with that or not?

19 A. I don't remember.

20 Q. Okay.

21 A. I don't remember.

22 Q. One of the -- well, let's just -- we will just
23 go ahead. I was going to skip over these, but just to
24 be safe, you have denied receiving any type of physical

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1 injuries associated with this matter; correct?

2 A. Correct.

3 Q. And you have denied having expenses, by way
4 of damages, associated with this matter; correct?

5 A. Correct.

6 Q. Like special -- special damages --

7 A. Right.

8 Q. -- actually monetary damages --

9 A. Yes, yes.

10 Q. -- not violation of rights. I am not
11 suggesting --

12 A. I just want to make sure I answer the question
13 properly. So I don't know if the car -- does that
14 involve -- now, you are just talking about any other
15 type of specialized?

16 Q. Well, so that's -- that's a fair question.

17 A. Right.

18 Q. So you are claiming damages associated with
19 having your vehicle towed; is that right?

20 A. I believe so, but I haven't reviewed it lately,
21 so I -- I don't remember exactly.

22 Q. Okay.

23 A. Yeah.

24 Q. So then -- so then I am glad we did this,